UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/C.12/2000/SA/1
17 February 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-second session
25 April-12 May 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the twenty-seventh report of the International Labour Organization under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX).

[8 February 2000]

GE.00-40804 (E)

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Introduction

1. The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialized agencies to submit reports, in accordance with article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

2. This report will follow the approach adopted since 1985, and will contain: (a) indications concerning the principal ILO Conventions relevant to articles 6-10 and 13 of the Covenant, and (b) indications concerning ratification of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (insofar as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights. Given the increased recourse to the Joint ILO/UNESCO allegations procedure concerning teaching personnel, information on cases examined there are added under article 13 of the Covenant, when relevant to the country reports being examined.[2]

3. The list of countries for which information has been provided in the present report appears in the Contents. A recapitulatory list of States parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

I. PRINCIPAL ILO CONVENTIONS RELEVANT TO ARTICLES 6-10 AND 13 OF THE COVENANT

4. The following is a list of the principal ILO Conventions relevant to articles 6-10 and 13 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section II (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention, 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Indigenous and Tribal Populations Convention, 1957 (No. 107)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II
Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery Convention, 1970 (No. 131)

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention, 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1957 (No. 101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Part-time Work Convention, 1994 (No. 175)
Homework Convention, 1996 (No. 177)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organizations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivor's Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivor's Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)

Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivor's Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re para. 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re para. 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fisherman) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)
Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No. 142)

Reference is also made, when appropriate, to the ILO/UNESCO Joint Recommendation concerning the status of teachers, 1966, and to the work of the Joint ILO/UNESCO committee which supervises their application.

II. INDICATIONS CONCERNING THE SITUATION OF INDIVIDUAL COUNTRIES

5. For each article of the Covenant under consideration, these indications show the state of the ratification of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are available at the secretariat (in English, French and Spanish) and should be consulted for further details.

6. The absence of any such reference signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the Government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

7. When references are made to the "observation" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 1A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the Governments in question, such comments are not published but the text is made available to the interested parties.

8. Finally, it should be noted that exceptionally, two sessions of the Committee of Experts were held in 1995, in March and in November/December. Indications are given in the text as to which of the two sessions is concerned, if relevant.

A. Egypt

9. Information concerning Egypt has not been previously supplied to the Committee.

10. The following relevant Conventions have been ratified and are in force for Egypt (for full names see the list of Conventions in section I above): 1, 2, 11, 14, 17, 18, 19, 26, 29, 30, 52, 62, 73, 81, 87, 88, 96, 98, 100, 101, 105, 106, 107, 111, 115, 118, 131, 135, 142, 148, 152 and 159.

Article 6

11. In its 1998 observation on Convention No. 105, the Committee noted information provided by the Government indicating that new legislation has been promulgated that provides

for the independence of journalists from any intervention in the performance of their work and prohibits the imposition of pre-trial detention on journalists for crimes related to publication. The Committee requested the Government to provide a copy of the new law and reiterated its hope that the Government would re-examine other legislation previously commented on by the Committee concerning film censorship, associations and private foundations, public meetings and political parties to ensure observance of the Convention. The Committee also reiterated its concerns regarding certain provisions of the Penal Code under which strikes by any public employee may be punished by imprisonment involving compulsory labour. It also reiterated its concerns with respect to certain provisions of the Maintenance of Security, Order and Discipline (Merchant Navy) Act, pursuant to which penalties of imprisonment involving forced labour may be imposed on seafarers who together commit acts of insubordination. The Committee pointed out that article 1 of the Convention prohibits the exaction of forced or compulsory labour as a means of labour discipline and as a punishment for participation in strikes and repeated its hope that the Government will soon take the necessary measures to ensure the observance of the Convention on this point.

12. With regard to the Employment Service Convention, 1948 (No. 88), in its 1996 observation, the Committee noted the establishment of the Manpower and Training Planning Commission in 1992 and the High Committee for Labour and Production Incentives in 1995. It asked the Government to indicate whether these bodies are consulted on the organization and operation of the employment service and on employment service policy and, if not, to indicate what arrangements exist in practice to ensure the cooperation of workers' and employers' representatives in these matters. The Committee's 1998 observation on Convention No. 88 noted that the Government's report contained no reply to the Committee's previous comments. Accordingly, the Committee repeated its prior observation.

13. In its 1997 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted with satisfaction the repeal of Act No. 148 of 1980, recalling its earlier comments to the effect that section 18 of the 1980 Act established discrimination on the basis of political opinion by restricting the publication or ownership of newspapers on political grounds. The Committee noted information provided by the Government on the employment situation of women in Egypt, pointing out that the situation could be further improved through the adoption of appropriate measures to guide women towards job training that is less typically or traditionally "female" in order to promote the principle of equality. The Committee further noted information provided by the Government and the summary of its report to the Fourth World Conference on Women held in Beijing in 1995. It asked the Government to continue to supply information on the progress made by the various mechanisms set up to improve the proportion of women in employment and to improve their representation in high-level positions. The Committee noted the Government's reference in the report it presented at Beijing to the "domination of traditional values" as one of the obstacles to women's integration in development and their entry into the formal labour market, and asked the Government to indicate in its next report any measures taken or envisaged to overcome this obstacle.

Article 7

14. Safe and healthy working conditions. In its 1995 observation on the Labour Inspection Convention, 1947 (No. 81), the Committee of Experts noted with interest the Government's report, which provided copies of labour inspection and safety reports for the first six months of 1993. The Committee noted that the reports are published in the form required by article 20 of the Convention and that they contain the relevant subjects required by article 21 of the Convention.

15. Rest, limitation of working hours and holidays with pay. The Committee's 1995 observation on the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) noted, as in earlier comments, that the 1981 Labour Code does not ensure that compensatory rest is granted to persons working on the weekly rest day, in contravention of the Convention. The Committee pointed out that, under the Convention, compensatory rest must be granted, regardless of monetary remuneration, when temporary exemptions are made under article 8 (1) of the Convention, and expressed its hope that the Government would soon be in a position to provide information on the provisions adopted to bring the legislation into conformity with the Convention.

Article 8

16. In respect of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee observed once again in 1998 that the Government had not yet remedied the discrepancies between the legislation and the Convention that had been raised by the Committee over a number of years with regard to the institutionalization of the trade union monopoly. The Committee urged the Government to ensure that workers have the right to establish organizations of their own choosing and that workers' organizations have the right to elect their representatives and organize their administration and activities in full freedom. The Committee noted information provided by the Government regarding section 70 (b) of the 1976 Trade Union Act authorizing the Public Prosecutor to request the criminal court to remove from office the executive committee of a trade union that has provoked work stoppages or absenteeism in a public service. With regard to the possibility of imposing compulsory arbitration at the request of one party in case of strikes, the Committee insisted that any restrictions on the right to strike should not go beyond essential services in the strict sense of the term and it requested the Government to amend its legislation to bring it into conformity with the principles of Freedom of Association. Further, with regard to section 14 (i) of Act No. 12 of 1995, the Committee noted that this provision requires the approval of the General Union for the organization of strike action. The Committee requested the Government to amend section 14 (i) to bring it into closer conformity with the principles of freedom of association expressed in the Convention, so that first-level organizations have the right to strike without having to seek authorization from the General Union.

17. In relation to the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), for several years the Committee of Experts has insisted on the need to amend section 87 of Egypt's Labour Code, as amended by Act No. 137 of 1981, which provides that any clause of a collective agreement which might impair the economic interests of the country shall be null and void. The Committee recalled that this provision restricts the scope of

collective bargaining and could undermine the principle of voluntary negotiation contained in article 4 of the Convention. The Committee indicated that, in the event of economic difficulties, the Government should resort to persuasion rather than constraint and that, in any case, the parties must remain free with regard to their final decisions. The Government has indicated that the new draft Labour Code being adopted no longer contains provisions similar to section 87 of the 1981 Labour Code.

18. In 1997 the Committee asked the Government to provide a copy of the new Code as soon as it is adopted and published.

Article 10

19. With respect to paragraph 3 (protection of children and young persons in relation to employment and work), in its 1998 observation on the Medical Examination (Seafarers) Convention, 1946 (No. 73), the Committee of Experts noted that, for a number of years, it has been commenting on the implementation of the requirement under article 5 of the Convention that the validity of the medical certificate may not exceed two years. The Government indicated in its report that the medical certificate is renewed every two years in practice. The Committee nevertheless repeated its request that the Government bring its legislation into conformity with the Convention as well as the stated practice.

20. The Committee of Experts furthermore addressed direct requests to the Government in 1995 on Conventions Nos. 29, 105, 111 and 159 and in 1996 on Conventions Nos. 87, 100, 118 and 152. In 1997, the Committee addressed direct requests to the Government on Conventions Nos. 29 and 111 and in 1998 on Conventions Nos. 29, 87, 100, 105 and 131.

B. Georgia

21. Information concerning Georgia has not been previously supplied to the Committee.

22. The following relevant Conventions have been ratified and are in force for Georgia: 29, 52, 98, 100, 105, 111, 117, 122, 138 and 142.

23. No first reports on ratified conventions have been received from Georgia for two or more years. (See Report of the Committee of Experts on the Application of Conventions and Recommendations, ILC, 87th Session, 1999, Report III (Part 1A), at paragraph 186 of Section III of General Report.)

C. Italy

24. Information concerning Italy was previously supplied to the Committee in 1982.

25. The following relevant Conventions have been ratified and are in force for Italy: 2, 3, 6, 11, 12, 13, 14, 16, 18, 19, 26, 27, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 48, 73, 77, 78, 79, 81, 87, 90, 96, 98, 99, 100, 102, 103, 105, 106, 111, 115, 117, 118, 119, 120, 122, 124, 127, 129, 132, 135, 136, 138, 141, 142, 148 and 151.

Article 6

26. The Committee's 1998 observation noted that, in the context of a stagnation in the volume of employment, the unemployment rate has remained above 12 per cent, while the worrisome features of the distribution of the unemployment rate have remained constant or have worsened, particularly in terms of the gap between the unemployment rate for the north (6.5 per cent in January 1998) and the south (22.4 per cent). Other areas of concern noted by the Committee were the gap in the unemployment rate between men (9.4 per cent) and women (16.8 per cent), the situation of young people under 25 (33.8 per cent unemployed) and the incidence of long-term unemployment (67.8 of total unemployment). Given the absence in the report of a presentation of Italy's employment policy, the Committee refers to the national Employment Action Plan sent in April 1998 to the Council and the Commission of the European Communities. In the plan, the Government emphasizes that, with the adoption of a Medium-term Economic and Financial Policy Programme for 1999-2001, employment measures have, for the first time, been adopted within the overall context of general economic and financial policies aimed at achieving high growth and combating the structural causes of unemployment, particularly in the south. The Committee also notes the Government's description of different labour market policy programmes, such as socially useful work and employment-training contracts.

Article 7

27. Safe and healthy working conditions. In its 1998 observation on the Protection Against Accidents (Dockers) Convention, 1932 (No. 32), the Committee of Experts referred to its previous comments with regard to the adoption of legislation reorganizing the laws respecting ports. The Committee reminded the Government that for 32 years it has been drawing the Government's attention to the need to adopt a text which ensures the prevention of accidents in all ports in the national territory. The Committee noted that, under section 1 of Legislative Decree No. 242 of March 1996, the Minister of Transport and Shipping was to issue a draft text on this subject and it expressed the hope that the Government would shortly adopt a text to give effect to the Convention and provide copies to the Office as soon as they are adopted. In its 1997 observation on the Convention, the Committee also noted the Government's reference in its report to Italy's ratification of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). However, it indicated that the ratification had not been formally communicated to the Director-General for registration.[4]

28. The Committee's 1998 observation on the Labour Inspection Convention, 1947 (No. 81) noted information supplied in the Government's report, as well as comments of the Trade Union Association of Credit Enterprises on the manner in which the Convention is applied in Italy. The Committee noted Legislative Decree No. 687 of 7 November 1996 governing the unification of peripheral services and the reorganization of regional and provincial labour directorates, including their labour inspection sections. The Trade Union Association of Credit Enterprises (ASSICREDITO) raised the issue of the transfer to local health units, under the terms of Act No. 833 of 23 December 1978, of the functions of the labour inspectorate with regard to prevention and occupational safety and health. The Committee had already expressed its concern in its previous observation with regard to the problems of coordination that such a transfer could create. The Committee recalled that, under the Convention, the competent

authorities shall make appropriate arrangements to promote effective cooperation between the inspection services and other government services and public or private institutions engaged in similar activities and expressed its hope that the Government will not delay the implementation of measures to give effect to this provision.

29. In a 1998 observation on the Benzene Convention, 1971 (No. 136), the Committee noted with interest the adoption of Legislative Decree No. 626 of 19 September 1994 giving effect, inter alia, to European Directive 90/394, which ensures the application of articles 1, 5 and 7 of the Convention. Noting that certain provisions of the Convention are not covered under European Directive 90/394, the Committee also asked the Government to indicate the manner in which articles 4, 6, 9, 10 and 11 of the Convention are applied.

Article 9

30. In its 1997 observation on the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Committee noted the information supplied by the Government in its report, indicating that the social allowance (assegno sociale) provided for in the national legislation and which has replaced the social pension is a means-tested benefit paid only to Italian citizens that are over the age of 65 and reside in Italy. The Committee recalled the importance of the principle of equality of treatment under the Convention and expressed its hope that the Government would indicate in its next report the measures taken or contemplated to grant the right to this benefit to nationals of other member States for which the Convention is in force in respect of this branch as well as to refugees and stateless persons and to ensure the payment of the social allowance in the event of residence abroad.

Article 10

31. Regarding paragraph 2 (maternity protection), in its 1997 observation on the Maternity Protection Convention (Revised), 1952 (No. 103), the Committee noted with interest the Government's indication that, under the new collective agreement of 16 July 1996 on domestic work, domestic women workers cannot be dismissed during the period beginning from the date of dispatch of the medical certificate of pregnancy until the end of the period of compulsory leave. The Committee nevertheless reminded the Government of the need to amend Act No. 1204 of 1971, as it had previously indicated it would do, with a view to applying to domestic workers the protections against dismissal provided in the Act, since the collective agreement would not have an *erga omnes* effect.

32. The Committee of Experts furthermore addressed direct requests to the Government in 1995 on Conventions Nos. 32, 98, 105, 106, 111, 132, 135 and 148 and in 1996 on Conventions Nos. 32 and 122. In 1997 the Committee addressed direct requests to the Government on Conventions Nos. 100, 102, 103, 105, 111, 118, 119 and 138 and in 1998 on Conventions Nos. 26, 29, 99, 100 and 105.

D. Jordan

33. Information concerning Jordan was last supplied to the Committee in 1987.

34. The following relevant Conventions have been ratified and are in force for Jordan: 29, 81, 98, 100, 105, 106, 111, 117, 118, 119, 120, 122, 123, 124, 135, 138[5] and 142.

Article 6

35. In its 1996 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee noted with interest that many provisions of the new Labour Code (Act No. 8 of 1996) are in conformity with the objectives of the Convention, including greater maternity protection, and welcomed the significant improvements to the legislation introduced by the new Labour Code. The Committee also noted with interest that the National Committee for Women is represented in parliamentary debates on issues likely to lead, directly or indirectly, to discriminatory behaviour toward women and that an ordinance of the Prime Minister, No. 55/93, requests all state departments and public institutions to apply the provisions of the National Strategy for Women. The Committee noted the detailed information provided by the Government on the activities of the National Committee for Women, concerning measures taken to increase the number of women in employment. It also noted information contained in the Government's report concerning a number of improvements in access to employment for persons with disabilities.

Article 7

36. Safe and healthy working conditions. The Committee's 1998 observation on the Labour Inspection Convention, 1947 (No. 81) noted with satisfaction that the Labour Code adopted by Act No. 8 of 1996 and the accompanying Labour Inspection Regulations give effect to a number of provisions of the Convention. It also noted with interest the detailed information supplied by the Government on the efforts made to strengthen the labour inspection services, achieve a balanced distribution of staff and provide staff with continual training.

37. In a 1997 observation on the Guarding of Machinery Convention, 1963 (No. 119), the Committee noted with interest the adoption of general provisions in the new Labour Code aimed at protecting workers against hazards and diseases that may result from work or machines. It noted that section 85 (c) of the Code contemplates a regulation that should provide for prevention and safety measures in the operation of industrial machinery and at the workplace. The Committee expressed its hope that the regulation will give full effect to the Convention and requested the Government to provide a copy of the text of the regulation once it is adopted.

38. Rest, limitation of working hours and holidays with pay. In its 1998 observation on the Weekly Rest (Commerce and Offices) Convention 1957 (No. 106), the Committee noted the adoption of the Labour Code (Act No. 8 of 1996). In this regard, the Committee noted that, notwithstanding its previous comments, the new Labour Code provides that a worker may, with the employer's consent, accumulate weekly rest days in order to take them only once per month. The Committee recalled that for a number of years it has drawn the Government's attention to the fact that this type of provision is not in conformity with the Convention. The Committee also recalled that compensatory rest must be granted, irrespective of any financial compensation, where temporary exemptions are made as provided for under the Convention. It therefore asked the Government to take the necessary measures as soon as possible to bring the national legislation into conformity with the Convention.

Article 8

39. In its 1997 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee noted that the new 1996 Labour Code does not provide any protection against acts of interference to ensure the application of article 2 of the Convention and recalled that it has been commenting on this point since 1968. The Committee noted that the national legislation should make provision for rapid appeal procedures, coupled with effective and dissuasive sanctions against acts of interference to ensure the application of the Convention. Noting that the Code does not apply to domestic servants, cooks, gardeners and agricultural workers, the Committee requested the Government to consider completing its present legislation to extend the application of the Convention to these categories of workers.

40. The Committee's 1997 observation on the Workers' Representatives Convention, 1975 (No. 135) noted the adoption of the 1996 Labour Code. It referred to its longstanding comments on the need to adopt measures to ensure the application of article 2 of the Convention, noting that, except for 14 days of paid leave for courses, the new Code contains no provisions to afford facilities in the undertaking to workers' representatives to enable them to carry out their functions properly and efficiently. The Committee requested the Government to take steps to give full application to the Convention on this point.

41. The Committee of Experts furthermore addressed a direct request to the Government in 1996 on Convention No. 100. It addressed direct requests to the Government in 1997 on Conventions Nos. 29, 98, 111, 117, 122 and 123. In 1998, the Committee addressed direct requests to the Government on Conventions Nos. 29, 81, 100, 105 and 142.

E. Portugal

42. Information concerning Portugal was previously supplied to the Committee in 1996.

43. The following relevant Conventions have been ratified and are in force for Portugal: 1, 6, 7, 11, 12, 14, 17, 18, 19, 26, 27, 29, 73, 77, 78, 81, 87, 88, 96, 98, 100, 102, 103, 105, 106, 107, 111, 115, 117, 120, 122, 124, 127, 129, 131, 132, 135, 138,[6] 142, 148, 151, 155, 156, 158 and 171.

Article 6

44. In its 1997 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee noted the information contained in the Government's report and the comments made by the Confederation of Portuguese Industry (CIP). Referring to its previous observation, the Committee noted that the social partners were represented in the Commission for Equality in Employment and Occupation (CITE). With regard to the supervisory duties performed by the CITE and the General Labour Inspectorate relevant to the application of the Convention, the Committee noted with interest that from 1 June 1995 to 31 May 1997, the CITE delivered opinions on 33 cases of discrimination which helped to resolve a number of them. The Committee further noted that the CITE regularly monitors newspaper advertisements to ensure that they do not contain discriminatory references. With respect to current practice pertaining to night work done by women in industry, the

Committee noted the Government's explanation that the prohibition against night work by women contravened the constitutional principle of equality and that this prohibition has been repealed.

45. The Committee's 1997 observation on the Employment Policy Convention, 1964 (No. 122) noted that the slight employment growth in Portugal since 1996 was insufficient to compensate for its earlier drop while the unemployment rate continued to rise, from 6.9 per cent in 1994 to 7.3 per cent in 1996. The Committee noted that the unemployment rate for those under 25 was more than twice the overall rate and that the incidence of long-term unemployment had also worsened. The Government indicated that the main objectives in its medium-term social and economic development strategy include obtaining a higher level of economic growth to permit the creation of skilled, well-paid jobs and strengthening the competitiveness of the economy while reducing state intervention. The Committee noted the objectives of the 1994-1999 Regional Development Plan designed to promote the creation of jobs in the sectors most exposed to international competition by improving initial and continued training for workers.

46. In its 1998 observation on the Termination of Employment Convention, 1982 (No. 158), the Committee noted with interest the Government's first report with respect to the application of the Convention, which also contains comments made by the General Confederation of Portuguese Workers (CGTP). According to the CGTP, while the legislation is in general conformity with the Convention, the supervision of its application in practice is inadequate. In particular, the CGTP indicated that a large number of fixed-term contracts are being concluded in permanent positions, which is an infringement of the relative legislation. It also expressed its concern that purported contracts for services are being concluded to conceal a salaried employment relationship as well as the existence of clandestine or illegal labour. In its report, the Government acknowledges the existence of incidents of illegal labour that must be eliminated and refers to the Agreement on Concerted Strategies concluded with the social partners (and which the CGTP refused to sign) which includes a chapter on legislative measures to be adopted with the aim of eradicating different forms of illegal labour. The Government indicated that the legislation contemplated is in the drafting stage. The Committee requested the Government to supply a copy of the legislative texts once they are adopted.

Article 7

47. In a 1998 observation on the Minimum Wage-Fixing Machinery Convention, 1970 (No. 131), the Committee noted the information provided by the Government in its report, as well as observations made by the CGTP regarding infringements in the application of the Convention. According to the CGTP, the level of the national minimum wage can be reduced by sector of activity, age, occupational skills and work capacity. This practice is used by employers, inter alia , as a way of paying lower wages to young persons. The CGTP also observed that the criteria for adjustment of the minimum wage, provided by the Convention, have been disregarded in favour of economic criteria. It indicated that the minimum wage policy has become a method of restricting wages in general and has lost its effectiveness in not keeping up with average wage growth. The CGTP also stated that the updating of the minimum wage levels to be applied in 1997 constituted a serious violation of the right to participation of trade

union organizations as provided in the Convention and the national legislation. The Committee expressed its hope that the Government would provide its comments on the CGTP's observations in the near future.

48. Safe and healthy working conditions. The Committee's 1998 observation on the Labour Inspection Convention, 1947 (No. 81) notes the information provided by the Government in its report, as well as its response to observations made by the CIP and the CGTP. The Committee noted the activities carried out to combat child labour, particularly those of the labour inspectorate, which cooperates with the National Commission for the Elimination of Child Labour. It further noted the detailed statistics provided by the Government on the specific activities of the labour inspectorate in relation to child labour over the past decade, and that the figures for 1996-1997 show that the violations reported by inspectors primarily relate to non-compliance with the minimum age of admission to employment.

49. In a 1998 observation on the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Committee noted the communication of the annual inspection reports for 1996 and 1997, as well as comments from the CGTP. According to the CGTP, the Government does not have the necessary human and material resources for the effective performance of its inspection activities, particularly with regard to reimbursement of travel expenses incurred by inspectors, a factor which results in their focusing on urban areas and neglecting rural areas in which agricultural activities are carried out. The Committee requested the Government to take the necessary measures and to supply information in its next report on the progress achieved in this respect.

Article 8

50. In a 1998 observation on the Freedom of Association and the Right to Organize Convention, 1948 (No. 87), the Committee referred to its previous comments on Legislative Decree No. 215/C/75, regarding the numbers of workers and employers necessary for the establishment of a trade union, a confederation of trade unions, an employers' organization and a federation (2,000 workers and 20 employers). The Committee notes that, according to the Government, the international instruments ratified by the Government are legally binding and have the same force as national legislation, therefore implicitly repealing any conflicting provisions in the above-mentioned Legislative Decree. Given the Government's assertion that it would be nevertheless appropriate to repeal the legislation in question, the Committee expressed its firm hope that the relevant provisions will be expressly repealed.

51. In a 1998 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee noted the information provided by the Government in its report, as well as the comments made by the CGTP on the application of the Convention. The Committee noted the CGTP's objection to compulsory arbitration of disputes arising from the negotiation of collective agreements under section 35 of Decree No. 209/92. The Committee indicated its view that legislation permitting one of the parties to a dispute to unilaterally impose intervention by the administrative authority for the purpose of compulsory arbitration is inconsistent with the promotion of collective bargaining. The Committee therefore asked the Government to bring its legislation into full conformity with the Convention by taking steps to amend the Decree to provide that compulsory arbitration must be at the joint request of the parties.

Article 9

52. In its 1998 observation on the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Committee drew the Government's attention to several points. It particularly noted the determination in the national legislation of a relatively long qualifying period for unemployment benefit of a minimum length of 540 working days of salaried employment over the past 24 months. In this regard, the Committee recalled that the Convention only authorizes such qualifying period as may be considered necessary to preclude abuse and asked the Government to continue to supply information on any measure adopted to reduce the qualifying period for unemployment benefit in specific economic sectors.

Article 10

53. Regarding paragraph 2 (maternity protection), in its 1997 observation on the Maternity Protection Convention (Revised), 1952 (No. 103), the Committee noted the amendments made under Act No. 17/95 to Act No. 4/84 on maternity and paternity protection. It also noted the comments made by the CGTP and the CIP.

54. The Committee of Experts furthermore addressed direct requests to the Government in 1995 on Convention No. 81 and in 1996 on Conventions Nos. 87 and 100. It addressed direct requests to the Government in 1997 on Conventions Nos. 87, 102, 103, 135 and 171 and in 1998 on Conventions Nos. 81, 87, 100, 102, 129, 131 and 158.

Notes

[1] Decisions of the Governing Body at its 201st session (November 1976) and at its 236th session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in United Nations Action in the Field of Human Rights (United Nations publication, Sales No. E.94.XIV.11), chap. II, sect. C.1. Further information can be found in a document submitted to the Preparatory Committee for the World Conference on Human Rights (A/CONF.157/PC/6/Add.3).

[3] There are, in addition, particularly for articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dock workers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

[4] Italy has still not ratified the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).

[5] Jordan ratified the Minimum Age Convention, 1973 (No. 138) on 23 March 1998.

[6] Portugal ratified the Minimum Age Convention, 1973 (No. 138) on 20 May 1998.

ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	-	
Algeria	E/1995/127	-	
Argentina	E/1995/5	E/1995/5	
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60	
Austria	E/1988/6 E/1994/5	E/1981/41 E/1987/59	
Azerbaijan			
Barbados	E/1982/41	E/1982/41	
Belgium	E/1994/63	E/1994/63	
Bulgaria	E/1980/35 E/1985/63 E/1998/17	E/1983/40 E/1988/6 -	
Belarus	E/1979/33 E/1985/63 E/1996/98	E/1981/41 E/1987/59 E/1996/98	
Cameroon	-	E/1988/6	
Canada	E/1982/41 E/1988/6 E/1989/6 E/1998/17	E/1994/5 -	
Central African Republic			
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Colombia	E/1979/33 E/1985/63 E/1995/127	E/1990/9	
Costa Rica	E/1990/9 E/1991/4	E/1990/9	
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6	
Czech and Slovak Federal Republic	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Denmark	E/1979/33 E/1985/63 E/1998/17	E/1981/41 E/1987/59 -	
Dominican Republic	E/1990/9 E/1991/4 E/1995/127 E/1996/98	E/1990/9 E/1991/4 -	
Ecuador	E/1978/27 E/1985/63	E/1990/90 E/1991/4	
El Salvador	E/1996/40	-	
Finland	E/1979/33 E/1985/63 E/1996/98	E/1981/41 E/1986/60 -	E/1996/98
France	E/1986/60	E/1989/6	
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Guatemala	E/1995/127 E/1996/40	-	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Guinea	E/1996/40	-	
Guyana	E/1995/127	-	
Honduras	E/1996/98	-	E/1996/98
Hungary	E/1978/27 E/1985/63	E/1986/60	
Iceland	E/1994/5 E/1998/17	- -	
India	E/1986/60	-	
Iran (Islamic Republic of)	E/1978/27	E/1994/5	
Iraq	E/1985/63	E/1981/41 E/1986/60	
Israel	E/1998/17	E/1998/17	
Italy	E/1982/41	-	
Jamaica	E/1980/35 E/1989/6	E/1989/6	
Japan	E/1985/63	E/1987/59	
Jordan	E/1987/59	E/1987/59	
Kenya	E/1994/63	E/1994/63	
Libyan Arab Jamahiriya	E/1996/98	E/1996/98	
Luxembourg	E/1990/9	E/1990/9	
Madagascar	E/1981/41 E/1985/63	E/1986/60	
Mauritius	E/1995/127	-	
Mexico	E/1985/63 E/1994/5	E/1990/9 E/1994/5	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Morocco	E/1994/63	E/1994/63	
Netherlands	E/1989/6 E/1998/17	E/1989/6 -	
Netherlands (Antilles)	E/1987/59	-	
Netherlands (Aruba)	E/1998/17		
New Zealand	E/1994/5	-	
Nicaragua	E/1986/60	E/1994/5	
Nigeria	E/1997/ E/1998/17	E/1997/ E/1998/17	
Norway	E/1979/33 E/1985/63 E/1995/127	E/1981/41 E/1988/6	
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4 E/1992/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4	
Paraguay	E/1996/40	-	
Peru	E/1985/63	-	
Philippines	E/1978/27 E/1985/63	-	
Poland	E/1979/33 E/1986/60 - E/1998/17	E/1981/41 E/1987/59 E/1989/6 E/1998/17	
Portugal	E/1996/98	E/1996/98	E/1996/98

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6	
Russian Federation			
Rwanda	E/1985/63 E/1989/6	E/1986/60	
Saint Vincent and the Grenadines			
Senegal	E/1994/5	E/1981/41	
Solomon Islands	-	-	
Spain	E/1980/35 E/1985/63 E/1996/40	E/1982/41 E/1986/60 E/1996/40	
Sri Lanka	E/1998/17	E/1998/17	
Suriname	E/1995/5	E/1995/5	
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Syrian Arab Republic	E/1980/35 E/1990/9 E/1992/4	E/1981/41 E/1990/9	
Trinidad and Tobago	E/1989/6	E/1989/6	
Tunisia	E/1978/27 E/1998/17	E/1988/6 E/1989/6 -	
Ukrainian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60	
Ukraine	E/1995/127	-	
United Kingdom of Great Britain and Northern Ireland	E/1978/27 E/1985/63	E/1981/41 E/1991/4 E/1995/5	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
United Kingdom (Non-metropolitan territories)	E/1979/33 E/1996/98	E/1982/41 E/1985/63	
United Republic of Tanzania	-	E/1981/41	
Uruguay	E/1994/5 E/1994/63	E/1994/63	
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Venezuela	E/1985/63	E/1986/60	
Viet Nam	E/1994/5	-	
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4	
Yugoslavia	E/1983/40 E/1985/63	E/1983/40	
Zaire	E/1988/6	E/1988/6	
Zambia	-	E/1986/60	
Zimbabwe			